

MONDAY, FEBRUARY 10, 2003

FIFTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Dr. Paul Durham of Radnor Baptist Church in Nashville, Tennessee, a guest of Senator Harper.

PLEDGE OF ALLEGIANCE

Senator Crowe led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 264 by Senator Burchett.

Banks and Financial Institutions -- Increases maximum insufficient fund charge from \$20.00 to \$30.00. Amends TCA Section 47-29-102.

Senate Bill No. 265 by Senator Burchett.

Parks, Natural Areas Preservation -- Enacts "State Park Funding Act of 2003". Amends TCA Title 11, Chapter 3 and Title 55, Chapter 4, Part 1.

Senate Bill No. 266 by Senator Burchett.

Energy -- Enacts "Guaranteed Energy Cost Savings Act". Amends TCA Title 12, Chapter 4.

Senate Bill No. 267 by Senator Burchett.

Firefighters -- Imposes 10 percent sales tax on alarm system monitoring to be used exclusively for funding police and firefighters pay supplements and other fire and law enforcement activities, including duties and responsibilities of fire fighting commission. Amends TCA Title 4, Chapter 24; Title 9, Chapter 4; Title 38, Chapter 8, Part 1; Section 55-50-324; Section 55-4-111 and Title 67.

MONDAY, FEBRUARY 10, 2003 -- 5TH LEGISLATIVE DAY

Senate Bill No. 268 by Senator Burchett.

Salaries and Benefits -- Gives cash salary supplement to firefighter or police officer serving on active duty in armed forces during Operation Enduring Freedom, if service prevents such personnel from attending in-service training program required to qualify for supplement. Amends TCA Title 4, Chapter 24 and Title 38, Chapter 8.

Senate Bill No. 269 by Senator Burchett.

Day Care -- Continues to permit use of sixteen passenger vans for transportation of children enrolled in childcare agencies. Amends TCA Title 71, Chapter 3.

Senate Bill No. 270 by Senator Burchett.

Sexual Offenses -- Makes public information on sexual offenders who committed sexual offenses prior to July 1, 1997. Amends TCA Title 40, Chapter 39.

Senate Bill No. 271 by Senator Burchett.

Sexual Offenses -- Requires person who was convicted of sexual offense at any time to register under "Sexual Offender Registration and Monitoring Act" rather than just those convicted of or still under supervision for sexual offense after January 1, 1995. Amends TCA Title 40, Chapter 39, Part 1.

Senate Bill No. 272 by Senator Burchett.

Education, Higher -- Permits institutions of higher education to release certain student records and student information if related to criminal activity or drug or alcohol possession or use by such student. Amends TCA Title 10, Chapter 7.

Senate Bill No. 273 by Senator Burchett.

Arrests -- Prior to issuance of arrest warrant, requires magistrate, in addition to other statutory factors, to also examine facts that establish informant's basis of knowledge, informant's reliability, and reliability of informant's information. Amends TCA Title 40, Chapter 6, Part 2.

Senate Bill No. 274 by Senator Burchett.

Hospitals and Health Care Facilities -- Expands Uniform Determination of Death Act to permit registered nurses to pronounce death in hospitals in cases in which death is expected and there is no artificial life support equipment involvement. Amends TCA Title 68, Chapter 3, Part 5.

Senate Bill No. 275 by Senator Burchett.

Economic and Community Development -- Expands duties of Tennessee board for economic growth to include developing and compiling information on empowerment zone program sponsored by U.S. Department of Housing and Urban Development. Amends TCA Title 4, Chapter 14; Title 4, Chapter 3 and Title 13.

Senate Bill No. 276 by Senator Burchett.

Disabled Persons -- Extends right of access to public accommodations for dog guides in training to dogs being raised or socialized under authority of accredited school for training dog guides. Amends TCA Title 62, Chapter 7.

Senate Bill No. 277 by Senator Ramsey.

Johnson County -- Subject to local approval, clarifies that Mountain Ridge Protection Act does not prohibit construction and maintenance of apparatus used in generation and transmission of electrical power. Amends Chapter 197 of the Private Acts of 1996.

Senate Bill No. 278 by Senator Harper.

TennCare -- Requires General Assembly to receive pharmacy rebate report from bureau of TennCare in addition to comptroller. Amends TCA Title 56 and Title 71.

Senate Bill No. 279 by Senator Harper.

Pharmacy, Pharmacists -- Requires bureau of TennCare and board of pharmacy to report to House and Senate Health Committees concerning access to prescription drugs and eligibility for medical assistance, with particular attention to spend down options. Amends TCA Title 56 and Title 71.

Senate Bill No. 280 by Senator Williams.

Agriculture -- Exempts person who makes infrequent casual sales of honey or who sells less than 150 gallons of honey per year from regulations applicable to other food service establishments. Amends TCA Title 53.

Senate Bill No. 281 by Senator Williams.

Health Care -- Requires persons or entities acquiring automated external defibrillator to register within 30 days, instead of encouraging registration, existence and location of defibrillator with emergency communications district or ambulance dispatch center. Amends TCA Title 68, Chapter 140, Part 7.

Senate Bill No. 282 by Senator Williams.

Education, Higher -- Provides that use of false academic degree to obtain admission to or employment at institution of higher education in Tennessee is Class A misdemeanor. Amends TCA Title 39, Chapter 17, Part 1 and Title 49, Chapter 7, Part 1.

Senate Bill No. 283 by Senator McNally.

Controlled Substances -- Lists gamma hydroxybutyrate (GHB) as Schedule I substance and FDA-approved GHB as Schedule III substance; penalizes illicit use of FDA-approved GHB within sentencing provisions of Schedule I offenses. Amends TCA Title 39, Chapter 17, Part 4.

Senate Bill No. 284 by Senators Person, Bryson, Ketron, Beavers, Miller, Norris and Ramsey.

Constitutional Conventions -- Provides for limited constitutional convention on Article II, Sections 24 and 28, to consider establishment of Tennessee taxpayer bill of rights (TN TABOR) in order to restrain growth of state revenue collections and expenditures.

Senate Bill No. 285 by Senator Harper.

TennCare -- Increases consumer membership of TennCare prescription drug utilization review committee from two to three. Amends TCA Title 56 and Title 71.

Senate Bill No. 286 by Senator Clabough.

Tourism -- Creates Tennessee tourism authority. Amends TCA Section 4-3-2207. Repeals TCA Sections 4-3-2201 -- 4-3-2206, inclusive, and 4-3-2208.

Senate Bill No. 287 by Senator Clabough.

Marriage -- Clarifies and authorizes that former members of quarterly county courts and county commissions who were members on or before August 1, 1984, may solemnize marriage. Amends TCA Section 17-1-206 and Section 36-3-301.

MONDAY, FEBRUARY 10, 2003 -- 5TH LEGISLATIVE DAY

Senate Bill No. 288 by Senator Clabough.

Education, Higher -- Requires Pellissippi State Community College to offer nursing program. Amends TCA Title 49, Chapter 8.

Senate Bill No. 289 by Senator Clabough.

Law Enforcement -- Provides that any POST-certified officer who ceases law enforcement employment and is subsequently re-employed as law enforcement officer within ten years is not required to undergo recruit training program upon re-employment. Amends TCA Title 38, Chapter 8.

Senate Bill No. 290 by Senator Clabough.

Insurance, Health, Accident -- Reenacts Tennessee comprehensive health insurance pool; requires insurance companies and HMOs to provide insurance coverage to certain proportion of persons eligible to obtain coverage through pool. Amends TCA Title 56, Chapter 7.

Senate Bill No. 291 by Senator Kurita.

Traffic Safety -- Revises regulations governing safety standards for passenger contract carriers. Amends TCA Title 55, Chapter 20.

Senate Bill No. 292 by Senator Southerland.

Housing -- Adds Greene County to those counties authorized to remedy dangerous conditions, including overgrown vegetation and accumulated debris, on owner-occupied lands. Amends TCA Section 5-1-115.

Senate Bill No. 293 by Senator McLeary.

Milan -- Subject to local approval, changes date of election for municipal court clerk from regular August election to regular November election. Amends Chapter 7 of the Private Acts of 1999.

Senate Bill No. 294 by Senator Jackson.

Tort Liability -- Establishes statute of limitations for medical malpractice actions by minors to be brought within three years of date of wrongful act except for minor under age of six, action to be brought within three years of eighth birthday; time tolled if fraud or collusion in bringing action. Amends TCA Title 29.

Senate Bill No. 295 by Senator Jackson.

Criminal Procedure -- Clarifies law that order of expungement entered for any reason and for all classes of offenses must be sent by court to TBI for entry into expunged offender database. Amends TCA Section 40-32-101(d)(1).

Senate Bill No. 296 by Senator Jackson.

Lynnville -- Subject to local approval, revises terms of office and qualifications for mayor and aldermen. Amends Chapter 289 of the Private Acts of 1965; as amended.

Senate Bill No. 297 by Senator Beavers.

Auburntown -- Subject to local approval, increases terms of office for mayor and aldermen from two to four years beginning with November 2004 election. Amends Chapter 65 of the Private Acts of 1949.

Senate Bill No. 298 by Senator Ford.

Public Contracts -- Requires contractors providing goods or services to state entities to complete affidavit verifying that contractor has searched records of company and any predecessor company regarding profits derived from slavery during slavery era. Amends TCA Title 12, Chapter 4, Part 1.

MONDAY, FEBRUARY 10, 2003 -- 5TH LEGISLATIVE DAY

Senate Bill No. 299 by Senator Ford.

Firearms and Ammunition -- Creates temporary, special joint legislative study committee to examine issues concerning child safety and misuse of handguns by inadequately supervised children. Amends TCA Title 3, Chapter 15.

Senate Bill No. 300 by Senator Ford.

Human Rights -- Establishes in statute Tennessee Title VI compliance commission, previously created by executive order No. 34 issued by Governor Sundquist on August 9, 2002. Amends TCA Title 4, Chapter 21.

Senate Bill No. 301 by Senator Ford.

Human Rights -- Transfers Title VI enforcement duties and powers from human rights commission to Title VI compliance commission. Amends TCA Title 4, Chapter 21.

Senate Bill No. 302 by Senator Ford.

TennCare -- Prohibits TennCare bureau from requiring TennCare MCO from contracting with specific credentialing verification organization if MCO holds valid Tennessee HMO license. Amends TCA Title 56 and Title 71.

Senate Bill No. 303 by Senator Ford.

Parks, Natural Areas Preservation -- Enacts "State Park Funding Act of 2003". Amends TCA Title 11, Chapter 3 and Title 55, Chapter 4, Part 1.

Senate Bill No. 304 by Senator Herron.

Dresden -- Subject to local approval, provides for selection of mayor pro tem in event both mayor and vice mayor absent or unable to perform duties. Amends Chapter 146 of the Private Acts of 1986.

Senate Bill No. 305 by Senator Ketron.

Highway Signs -- "Roy Nance Manns Memorial Bridge", U.S. Highway 31A in Marshall County.

Senate Bill No. 306 by Senator Ketron.

Marshall County -- Subject to local approval, revises hotel/motel tax to designate trustee as collection agent instead of county clerk. Amends Chapter 30 of the Private Acts of 1993.

Senate Bill No. 307 by Senator Ketron.

Annexation -- Amends comprehensive growth plan to require election on annexation of territory by municipality on its own initiative. Amends TCA Title 6, Chapter 51 and Title 6, Chapter 58.

Senate Bill No. 308 by Senator Cohen.

Driver Licenses -- Prohibits driver possessing learner permit or intermediate driver license from operating motor vehicle while engaged on cellular telephone; violation is Class B misdemeanor punishable by \$100 fine and delayed eligibility for next license type; creates affirmative defense for bona fide emergency. Amends TCA Title 55, Chapter 50, Part 3.

Senate Bill No. 309 by Senator Fowler.

Pensions and Retirement Benefits -- Authorizes retired members of TCRS to be reemployed as teachers and receive retirement benefits during such reemployment under certain circumstances. Amends TCA Section 8-36-821.

MONDAY, FEBRUARY 10, 2003 -- 5TH LEGISLATIVE DAY

Senate Bill No. 310 by Senator Fowler.

Marriage -- Provides civil immunity for judges and other officers of court with respect to certain matters that may arise concerning roster of area course providers of marital preparation courses sufficient to exempt marriage license applicants from payment of certain fees. Amends TCA Section 36-6-413.

Senate Bill No. 311 by Senator Fowler.

Wills -- Clarifies that share of surviving spouse in intestate estates of decedents dying before January 1, 1998, is either child's share or one-third. Amends TCA Title 31, Chapter 2.

Senate Bill No. 312 by Senator Fowler.

General Assembly -- Makes Open Meetings Act applicable to General Assembly or committee, subcommittee, or ad hoc committee of General Assembly so long as quorum is present. Amends TCA Title 8, Chapter 44, Part 1.

Senate Bill No. 313 by Senator Fowler.

General Assembly -- Requires LIS to develop system to enable all floor, committee, and subcommittee roll call votes to be posted on Internet. Amends TCA Title 3, Chapter 16, Part 1 and Title 3, Chapter 2, Part 1.

Senate Bill No. 314 by Senator Burchett.

Correctional Programs -- Increases daily room and board rate per inmate on work release program from amount not less than \$5.00 nor more than \$12.50 of inmate's take-home pay to not less than \$7.00 nor more than \$14.00 of inmate's take-home pay. Amends TCA Title 40 and Title 41.

Senate Bill No. 315 by Senator Dixon.

Education, Higher -- Merges UT system into board of regents; gives THEC power to terminate programs at all institutions of higher education. Amends TCA Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9.

Senate Bill No. 316 by Senator Dixon.

Mental Illness -- Limits admission for court-ordered pretrial evaluation of criminal defendant believed incompetent to stand trial at state facility to 10 days from entry of court's order. Amends TCA Section 33-7-301.

Senate Bill No. 317 by Senator Dixon.

Tennessee Housing Development Agency -- Requires Tennessee housing development agency to advertise proposed changes to low-income housing qualified application plan and multifamily bond program at least 45 days in advance of consideration by agency board and to make all underwriting criteria part of such plan and program. Amends TCA Title 13.

Senate Bill No. 318 by Senator Dixon.

Criminal Procedure -- Restores rights of citizenship including suffrage rights to convicted felons upon release from incarceration, pardon, or expiration of maximum sentence. Amends TCA Title 40, Chapter 29.

Senate Bill No. 319 by Senator Dixon.

Boards and Commissions -- Creates commission for efficient government to review fees charged by governmental entities. Amends TCA Title 4.

MONDAY, FEBRUARY 10, 2003 -- 5TH LEGISLATIVE DAY

Senate Bill No. 320 by Senator Dixon.

Taxes, Real Property -- Defines "low-income housing property"; establishes classification and taxing of low-income housing property. Amends TCA Title 13 and Title 67.

Senate Bill No. 321 by Senator Dixon.

Taxes, Real Property -- Adds municipal collector to list of persons to be notified when taxpayer prevails in appeal to local or state board of equalization. Amends TCA Section 67-5-1512.

Senate Bill No. 322 by Senator Dixon.

Taxes, Exemption -- Exempts limited partnerships and limited liability companies providing affordable housing through federal low-income housing tax-credit programs from payment of franchise and excise taxes. Amends TCA Title 67.

Senate Bill No. 323 by Senator Clabough.

Utilities, Utility Districts -- Clarifies that any natural gas utility district located in tourist resort county may provide natural gas service to consumers in any municipality or other community in adjacent tourist resort county. Amends TCA Section 7-82-110.

Senate Bill No. 324 by Senator Clabough.

Alcoholic Beverages -- Authorizes expungement of conviction for underage consumption of intoxicating liquors and beer under certain circumstances. Amends TCA Title 1; Title 39; Title 40 and Title 57.

Senate Bill No. 325 by Senator Burks.

Putnam County -- Subject to local approval, increases hotel/motel tax from 5 percent to 6 percent with proceeds from additional 1 percent to be used for recreational facilities operation, development and capital improvements. Amends Chapter 118 of the Private Acts of 1979.

Senate Bill No. 326 by Senator Walker.

Education -- Allows school term to be reduced by up to five days in 2002-2003 school year due to severe weather conditions in LEAs in declared federal disaster areas. Amends TCA Section 49-6-3004.

Senate Bill No. 327 by Senator Kyle.

District Attorneys -- Prevents expenditures from Fraud and Economic Crimes Prosecution Fund except for items related to official duties in prosecuting such crimes. Amends TCA Title 40, Chapter 3, Part 2.

Senate Bill No. 328 by Senator Kyle.

Election Laws -- Requires election commissions to verify that documents are properly filed at time of filing; establishes conclusive presumption that requirements met and document timely filed. Amends TCA Title 2.

Senate Bill No. 329 by Senator Kyle.

State Employees -- Authorizes board of claims to present to claims commission recommendation for reimbursement to officer or employee for damages, even if compensatory damages awarded against officer or employee in court of law, if officer or employee was acting in good faith in performing duties. Amends TCA Title 9, Chapter 8.

MONDAY, FEBRUARY 10, 2003 -- 5TH LEGISLATIVE DAY

Senate Bill No. 330 by Senator Kyle.

State Employees -- Authorizes board of claims to reimburse officer or employee for adjudicated damages and costs awarded against officer or employee by court of law even though officer or employee was acting in good faith in performance of duties. Amends TCA Title 9, Chapter 8.

Senate Bill No. 331 by Senator Kyle.

Libraries -- Sets membership of Knox County Library Board at nine instead of authorizing board of not less than seven nor more than nine. Amends TCA Title 10, Chapters 1 through 5.

Senate Bill No. 332 by Senator Kyle.

Redistricting, Congressional -- Declares intent that congressional redistricting shall comply with federal and state constitutional mandates and applicable judicial decisions. Amends TCA Title 2 and Title 3.

Senate Bill No. 333 by Senator Kyle.

Capitol -- Requires that duly commissioned members of capitol security force receive compensation substantially equivalent to compensation provided for member of highway patrol of similar rank and service. Amends TCA Section 4-3-2006 and Title 4, Chapter 7, Part 2.

Senate Bill No. 334 by Senator Cooper.

Limitation of Actions -- Requires property or casualty insurance policies to contain limitations clause of at least two years from date of loss for actions to be commenced against insurer. Amends TCA Title 56.

Senate Bill No. 335 by Senator Cooper.

Laundries and Dry Cleaners -- Deletes requirement that drycleaner fee be based on amount of drycleaner solvent purchased prior year. Amends TCA Title 68, Chapter 217, Part 1.

Senate Bill No. 336 by Senator Cooper.

Taxes, Privilege -- Increases privilege tax on production of special nuclear material from 30 cents for every separative work unit to \$13.00 for every separative work unit. Amends TCA Title 67, Chapter 4, Part 11.

Senate Bill No. 337 by Senator Cooper.

Public Contracts -- Requires prior review by fiscal review committee of non-competitively bid service contracts. Amends TCA Title 4 and Title 12.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 182 referred to Committee on State and Local Government.

Senate Bill No. 183 referred to Committee on State and Local Government.

Senate Bill No. 184 referred to Committee on Education.

Senate Bill No. 185 referred to Committee on Education.

MONDAY, FEBRUARY 10, 2003 -- 5TH LEGISLATIVE DAY

Senate Bill No. 186 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 187 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 188 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 189 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 190 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 191 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 192 referred to Committee on State and Local Government.

Senate Bill No. 193 referred to Committee on State and Local Government.

Senate Bill No. 194 referred to Committee on Education.

Senate Bill No. 195 referred to Committee on State and Local Government.

Senate Bill No. 196 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 197 held on desk.

Senate Bill No. 198 referred to Committee on State and Local Government.

Senate Bill No. 199 referred to Committee on State and Local Government.

Senate Bill No. 200 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 201 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 202 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 203 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 204 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 205 referred to Committee on State and Local Government.

Senate Bill No. 206 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 207 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 208 referred to Committee on Transportation.

Senate Bill No. 209 referred to Committee on State and Local Government.

MONDAY, FEBRUARY 10, 2003 -- 5TH LEGISLATIVE DAY

Senate Bill No. 210 referred to Committee on Delayed Bills.

Senate Bill No. 211 referred to Committee on State and Local Government.

Senate Bill No. 212 referred to Committee on Finance, Ways and Means.

Senate Bill No. 213 referred to Committee on Judiciary.

Senate Bill No. 214 referred to Committee on Finance, Ways and Means.

Senate Bill No. 215 referred to Committee on Judiciary.

Senate Bill No. 216 referred to Committee on Transportation.

Senate Bill No. 217 referred to Committee on Judiciary.

Senate Bill No. 218 referred to Committee on Judiciary.

Senate Bill No. 219 referred to Committee on State and Local Government.

Senate Bill No. 220 referred to Committee on Government Operations.

Senate Bill No. 221 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 222 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 223 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 224 referred to Committee on Finance, Ways and Means.

Senate Bill No. 225 referred to Committee on Education.

Senate Bill No. 226 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 227 referred to Committee on Education.

Senate Bill No. 228 referred to Committee on State and Local Government.

Senate Bill No. 229 referred to Committee on State and Local Government.

Senate Bill No. 230 referred to Committee on Judiciary.

Senate Bill No. 231 referred to Committee on Judiciary.

Senate Bill No. 232 referred to Committee on Education.

Senate Bill No. 233 referred to Committee on Transportation.

MONDAY, FEBRUARY 10, 2003 -- 5TH LEGISLATIVE DAY

Senate Bill No. 234 referred to Committee on Judiciary.

Senate Bill No. 235 referred to Committee on Judiciary.

Senate Bill No. 236 referred to Committee on Transportation.

Senate Bill No. 237 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 238 referred to Committee on Transportation.

Senate Bill No. 239 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 240 held on desk.

Senate Bill No. 241 held on desk.

Senate Bill No. 242 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 243 referred to Committee on Judiciary.

Senate Bill No. 244 referred to Committee on Education.

Senate Bill No. 245 referred to Committee on Education.

Senate Bill No. 246 referred to Committee on Finance, Ways and Means.

Senate Bill No. 247 referred to Committee on Education.

Senate Bill No. 248 referred to Committee on Finance, Ways and Means.

Senate Bill No. 249 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 250 referred to Committee on State and Local Government.

Senate Bill No. 251 referred to Committee on Education.

Senate Bill No. 252 referred to Committee on Finance, Ways and Means.

Senate Bill No. 253 referred to Committee on Education.

Senate Bill No. 254 referred to Committee on Transportation.

Senate Bill No. 255 referred to Committee on Transportation.

Senate Bill No. 256 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 257 referred to Committee on Finance, Ways and Means.

Senate Bill No. 258 referred to Committee on Finance, Ways and Means.

MONDAY, FEBRUARY 10, 2003 -- 5TH LEGISLATIVE DAY

Senate Bill No. 259 referred to Committee on Education.

Senate Bill No. 260 referred to Committee on Education.

Senate Bill No. 261 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 262 referred to Committee on Judiciary.

Senate Bill No. 263 referred to Committee on General Welfare, Health and Human Resources.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 60 by Senator Burchett.

Memorials, Congress -- Urges U.S. Department of Energy to require engineers working at DOE facilities in Tennessee to comply with Tennessee's registration law; memorializes state's Congressional delegation to introduce legislation to accomplish same.

Senate Joint Resolution No. 61 by Senator Burks.

Memorials, Professional Achievement -- Tennessee Gas Association, 40th anniversary.

RESOLUTIONS LYING OVER

House Joint Resolution No. 29 -- Memorials, Personal Occasion -- Elva Morton, 90th birthday.

The Speaker announced that he had referred House Joint Resolution No. 29 to Committee on Calendar.

House Joint Resolution No. 30 -- Memorials, Death -- J.C. Hellum, Jr.

The Speaker announced that he had referred House Joint Resolution No. 30 to Committee on Calendar.

House Joint Resolution No. 31 -- Memorials, Death -- Martin Cummings.

The Speaker announced that he had referred House Joint Resolution No. 31 to Committee on Calendar.

House Joint Resolution No. 33 -- Memorials, Sports -- Fred McFerrin Russell.

The Speaker announced that he had referred House Joint Resolution No. 33 to Committee on Calendar.

House Joint Resolution No. 34 -- Memorials, Academic Achievement -- Penny Tyler, 2002 Phi Theta Kappa All-Tennessee Academic Team.

MONDAY, FEBRUARY 10, 2003 -- 5TH LEGISLATIVE DAY

The Speaker announced that he had referred House Joint Resolution No. 34 to Committee on Calendar.

Senate Joint Resolution No. 47 -- Memorials, Retirement -- Dr. Martin O. Deschenes.

The Speaker announced that he had referred Senate Joint Resolution No. 47 to Committee on Calendar.

Senate Joint Resolution No. 48 -- Memorials, Death -- Ben Marlin Gaines, Sr.

The Speaker announced that he had referred Senate Joint Resolution No. 48 to Committee on Calendar.

Senate Joint Resolution No. 49 -- Memorials, Sports -- David Lipscomb High School football team, 2002 TSSAA Class 2A champions.

The Speaker announced that he had referred Senate Joint Resolution No. 49 to Committee on Calendar.

Senate Joint Resolution No. 50 -- General Assembly, Studies -- Continues special joint committee to study restructuring of electric utility industry.

The Speaker announced that he had referred Senate Joint Resolution No. 50 to Committee on Environment, Conservation and Tourism.

Senate Joint Resolution No. 51 -- Memorials, Death -- Foster D. Arnett, Sr.

The Speaker announced that he had referred Senate Joint Resolution No. 51 to Committee on Calendar.

Senate Joint Resolution No. 52 -- Attorney General and Reporter -- Requires election of attorney general by popular vote.

The Speaker announced that he had referred Senate Joint Resolution No. 52 to Committee on Calendar.

Senate Joint Resolution No. 53 -- Memorials, Professional Achievement -- Quinten Howard, Master School Board Member.

The Speaker announced that he had referred Senate Joint Resolution No. 53 to Committee on Calendar.

Senate Joint Resolution No. 54 -- Memorials, Professional Achievement -- W. David Sullins, Jr., Southern College of Optometry Lifetime Achievement Award.

The Speaker announced that he had referred Senate Joint Resolution No. 54 to Committee on Calendar.

Senate Joint Resolution No. 55 -- Memorials, Public Service -- Senator Tommy G. Haun.

MONDAY, FEBRUARY 10, 2003 -- 5TH LEGISLATIVE DAY

The Speaker announced that he had referred Senate Joint Resolution No. 55 to Committee on Calendar.

Senate Joint Resolution No. 56 -- Memorials, Personal Achievement -- Phi Theta Kappa All-Tennessee Academic Team.

The Speaker announced that he had referred Senate Joint Resolution No. 56 to Committee on Calendar.

Senate Joint Resolution No. 57 -- Memorials, Retirement -- George "Big Daddy" Perkins.

The Speaker announced that he had referred Senate Joint Resolution No. 57 to Committee on Calendar.

Senate Joint Resolution No. 58 -- Memorials, Recognition -- National Champions, Walnut Valley Music Festival.

The Speaker announced that he had referred Senate Joint Resolution No. 58 to Committee on Calendar.

Senate Joint Resolution No. 59 -- General Assembly, Studies -- Creates special joint committee to study feasibility of teachers becoming state employees.

The Speaker announced that he had referred Senate Joint Resolution No. 59 to Committee on Delayed Bills.

MOTION

Senator Crowe moved that **Senate Joint Resolution No. 48** be referred to the Committee on Calendar, which motion prevailed.

CONSENT CALENDAR

House Joint Resolution No. 29 -- Memorials, Personal Occasion -- Elva Morton, 90th birthday.

House Joint Resolution No. 30 -- Memorials, Death -- J.C. Hellum, Jr.

House Joint Resolution No. 31 -- Memorials, Death -- Martin Cummings.

House Joint Resolution No. 33 -- Memorials, Sports -- Fred McFerrin Russell.

House Joint Resolution No. 34 -- Memorials, Academic Achievement -- Penny Tyler, 2002 Phi Theta Kappa All-Tennessee Academic Team.

Senate Joint Resolution No. 47 -- Memorials, Retirement -- Dr. Martin O. Deschenes.

Senate Joint Resolution No. 49 -- Memorials, Sports -- David Lipscomb High School football team, 2002 TSSAA Class 2A champions.

MONDAY, FEBRUARY 10, 2003 -- 5TH LEGISLATIVE DAY

Senate Joint Resolution No. 51 -- Memorials, Death -- Foster D. Arnett, Sr.

Senate Joint Resolution No. 54 -- Memorials, Professional Achievement -- W. David Sullins, Jr., Southern College of Optometry Lifetime Achievement Award.

Senate Joint Resolution No. 55 -- Memorials, Public Service -- Senator Tommy G. Haun.

Senate Joint Resolution No. 56 -- Memorials, Personal Achievement -- Phi Theta Kappa All-Tennessee Academic Team.

Senate Joint Resolution No. 57 -- Memorials, Retirement -- George "Big Daddy" Perkins.

Senate Joint Resolution No. 58 -- Memorials, Recognition -- National Champions, Walnut Valley Music Festival.

Senator Crowe moved that all Senate Joint Resolutions be adopted, and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

PROPOSED AMENDMENT TO RULES OF ORDER

Senator Henry proposed the following amendment to the Senate Rules of Order.

31. FISCAL MEASURES.

Any bill or resolution having other than a minimal fiscal effect upon receipts or expenditures of the state or local governments shall be referred to the Finance, Ways and Means Committee after consideration by the appropriate standing committee.

No bill or resolution having such a fiscal effect shall be put upon final passage until the same has been considered by the Finance, Ways and Means Committee.

A bill or resolution which is amended by the Senate or House of Representatives in such a manner that a fiscal effect (other than a minimal fiscal effect) upon receipts or expenditures of the state or local governments results from such amendment, shall be referred to the Finance, Ways and Means Committee after all filed amendments have been considered by the Senate. Provided, however, this paragraph shall not apply to the General Appropriations Bill.

A bill or resolution which is recommended by a standing committee to be amended in such manner so as to remove its fiscal effect, may be referred directly to the Calendar

MONDAY, FEBRUARY 10, 2003 -- 5TH LEGISLATIVE DAY

Committee. In the event the amendment is not approved by the Senate, paragraph 2 shall apply.

/s/ Douglas Henry
February 10, 2003

Pursuant to Rule 70, the amendment was referred to the Committee on Rules.

MOTION

On motion of Senators Beavers, Williams and Herron, their names were added as sponsors of **House Joint Resolution No. 31**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 51**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 55**.

On motion, all Senators' names were added as sponsors of **House Joint Resolution No. 33**.

On motion of Senator McNally, his name was added as sponsor of **House Joint Resolution No. 29**.

On motion of Senator McLeary, his name was added as sponsor of **Senate Joint Resolutions Nos. 47 and 48**.

On motion of Senators Haynes and Harper, their names were added as sponsors of **Senate Joint Resolution No. 49**.

On motion of Senators Herron and Crutchfield, their names were added as sponsors of **Senate Joint Resolution No. 54**.

On motion of Senator Herron, his name was added as sponsor of **Senate Joint Resolutions Nos. 22, 28 and 35**.

RECALL OF BILL

On motion of Senator Ford, **Senate Bill No. 300** was recalled from the Clerk's desk.

WITHDRAWAL OF BILL

On motion of Senator Ford, **Senate Bill No. 300** was withdrawn from the Senate.

MESSAGE FROM THE HOUSE

February 10, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 35, 36, 37, 38, 39, 40 and 41; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

ENGROSSED BILLS

February 10, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 47, 49, 51, 54, 55, 57 and 58; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

February 10, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 56, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

February 10, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 20, 25, 26, 28, 29, 30, 34, 35, 38, 39, 40, 41, 42, 43 and 56; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

February 11, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 20, 25, 26, 28, 29, 30, 34, 35, 38, 39, 40, 41, 42, 43 and 56; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

SIGNED

February 11, 2003

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 20, 25, 26, 28, 29, 30, 34, 35, 38, 39, 40, 41, 42, 43 and 56.

MESSAGE FROM THE HOUSE

February 11, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 20, 25, 26, 28, 29, 30, 34, 35, 38, 39, 40, 41, 42, 43 and 56; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MONDAY, FEBRUARY 10, 2003 -- 5TH LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

February 11, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 29, 30, 31, 33 and 34; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

February 11, 2003

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 29, 30, 31, 33 and 34.

REPORT OF CHIEF ENGROSSING CLERK

February 11, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 20, 25, 26, 28, 29, 30, 34, 35, 38, 39, 40, 41, 42, 43 and 56; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 3:00 p.m., Wednesday, February 12, 2003, which motion prevailed.